

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Johnathan A. Napier et. al.

Application No.: 10/539891

Confirmation No.: 7537

Filed: June 17, 2005

Art Unit: 1645

For: NOVEL METHOD FOR THE PRODUCTION
OF POLYUNSATURATED FATTY ACIDS

Examiner: MEAH, Mohammady

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This communication is in response to the Restriction Requirement set forth in the Office Action mailed November 1, 2006. Because of the federal holidays (January 1 and 2, 2007), this response is due on January 3, 2007 with one-month extension of time. Applicants hereby elect with traverse to prosecute **Group II** (claims 1-9) drawn to a method of producing polyunsaturated fatty acids using transgenic organisms expressing a $\Delta 9$ -elongase gene (*i.e.*, SEQ ID NO: 3) and a $\Delta 8$ -destaturase gene (*i.e.*, SEQ ID NO: 1), or additionally expressing a $\Delta 5$ -destaturase gene (*i.e.*, SEQ ID NOs: 5, 7, or 9), by introducing at least the first two genes into the organisms. This election is without prejudice or disclaimer as to all pending claims.

REMARKS

After entry of this response, claims 1-25 are pending.